

REMARKS

FORMAL MATTERS:

Claims 22-25 were examined. Claims 22 and 23 were allowed and claims 24 and 25 were rejected. Applicants thank the Examiner for the indication of allowance.

By this Amendment, claim 24 has been amended. Support for the amendment is found throughout the specification and particularly on page 12, lines 7-12.

Claims 22-25 are pending after entry of the amendments set forth herein.

OBJECTIONS TO THE CLAIMS

Claim 24 was objected to because the word “from” in line 8 should have been “form.” Appropriate correction has been made.

REJECTIONS UNDER §102

Claims 24 and 25 were rejected under 35 U.S.C. §102(b) as being anticipated by Blatt et al. (U.S.P.N. 4,761,381).

Applicants respectfully disagree with this rejection and the characterization of Blatt et al. At a minimum, Blatt et al. does not disclose a center or third layer having the cutout pattern defined in claim 24 as originally claimed. Nonetheless, Applicants have amended claim 24 to require that at least a portion of at least one of the first layer and the second layer adjacent the bladder cutout of the third layer is configured to be resilient. Blatt et al. does not disclose, suggest or teach a fluidic diagnostic device having a bladder, let alone a device having first and second layers configured to be resilient in order to provide the bladder function. Accordingly, Claims 24 and 25 are patentable over Blatt et al.

CONCLUSION

Applicant submits that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number LIFE-072DIV.

Respectfully submitted,
BOZICEVIC, FIELD & FRANCIS LLP

Date: 03/14/05

By: 
Carol M. LaSalle
Registration No. 39,740

BOZICEVIC, FIELD & FRANCIS LLP
1900 University Avenue, Suite 200
East Palo Alto, California 94303
Telephone: (650) 327-3400
Facsimile: (650) 327-3231

F:\DOCUMENT\lIFE\072DIV\resp to oa 01-14-2005.doc